

AOC Briefing

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A PRELIMINARY LOOK AT CALIFORNIA PAROLEE REENTRY COURTS



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

AOC Briefing

Judicial Council of California
Administrative Office of the Courts

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Prepared by the AOC

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Project Background

In 2009, the California Legislature allocated \$10 million of American Recovery and Reinvestment Act State Justice Assistance Grant monies for a statewide pilot project that established or enhanced parolee reentry courts in six counties: Alameda, Los Angeles, San Diego, San Francisco, San Joaquin, and Santa Clara.

Reentry court programs are designed to prevent parole violators with a history of substance abuse or mental illness from returning to prison by providing enhanced services and supervision and shifting jurisdictional responsibility from the California Department of Corrections and Rehabilitation (CDCR) to the pilot courts. Although program models may differ from court to court, all reentry courts are modeled after drug courts, which have been shown to reduce recidivism and are associated with cost savings.¹

The Legislature has charged the Administrative Office of the Courts (AOC), in cooperation with CDCR, with evaluating California's pilot reentry courts and assessing their impact on recidivism. Funded in part by the California Endowment, this evaluation will measure the six programs' recidivism outcomes and explore the cost-effectiveness of reentry courts. Analyses will also identify program elements essential to reducing recidivism and parole revocation rates as well as the types of participants who benefit most from these interventions. This research briefing provides background on California's recidivism problem, the parolee reentry court pilot project, and preliminary data on the reentry court programs.

California's Recidivism Crisis

California has the largest prison population and also supervises the most parolees of any state in the nation.² As of October 1, 2011, the active parole population statewide was 104,782.³ A 2011 CDCR report found that almost two-thirds of the state's parolees are returned to prison⁴ within three years of their release—30% within the first six months—either for new convictions or for technical or administrative violations.⁵ High recidivism rates are costly, with the average annual cost per California inmate in 2010–2011 at \$45,006.⁶

65% of California parolees return to prison within three years—30% in the first six months.

Many parolees in California struggle with substance abuse and many serve time in prison for drug-related crimes. In fact, 32% of parolees were originally committed to prison for drug-related offenses.⁷ Many parolees also suffer from mental health disorders, and those with prison mental health classifications are more likely than other parolees to face revocation, with a 36% higher risk of committing all types of parole violations.⁸

Approximately 14% of parolees have mental health issues.

Parolees often lack basic resources, such as stable housing and employment, that aid in successful community reentry. CDCR reports that at any given time, 10 percent of the state's

parolees are homeless. In major urban areas such as San Francisco and Los Angeles, the percentage of parolees who are homeless ranges from 30 to 50 percent.⁹ Many also lack the basic skills necessary for getting a job, while most employers are reluctant to hire an applicant with a serious criminal history, so finding work in a state with an unemployment rate as high as California's is all the more difficult for parolees.

How Reentry Courts Work

California's parolee reentry courts are modeled after drug courts, following evidence-based practices and adhering to the 10 key components of drug courts.¹⁰

- Every reentry court is made up of an interdisciplinary team led by a judge. Most teams include a defense attorney, a prosecutor, a parole officer, a probation officer, and treatment staff or case managers.
- Reentry court participants are assessed for their risk of reoffending and for their treatment needs. Treatment and community supervision plans are then created based on the information obtained from these assessments.
- Participants attend regularly scheduled court sessions, usually one to four times a month, to discuss their adherence to their supervision/treatment plans and other program requirements.
- Graduated sanctions, such as admonishments, increased frequency of mandatory court sessions, and jail sanctions, are used to respond to noncompliant behaviors. Incentives, such as verbal praise, reduced frequency of court hearings, and transportation or food vouchers, are used to reward and encourage participants' progress.
- Participants remain in the program and receive services, such as case management and substance abuse and mental health treatment, for approximately 12 months. Once parolees successfully complete the program, reentry courts often recommend their early discharge from parole.

Impact of Public Safety Realignment on Reentry Courts

Reentry courts have altered their programs in the wake of California public safety realignment legislation. In 2011, the California Legislature enacted a number of bills that shifted (or "realigned") responsibility for managing certain categories of offenders from the state correctional system to county oversight. Under realignment, fewer felony offenses are punishable by state prison sentences—which are reserved primarily for violent, serious or sex-related offenses or for offenders with histories of such crimes—while all other felonies are generally served in local jails.¹¹ Inmates released from prison on or after October 1, 2011, will no longer be supervised by CDCR parole officers if their sentences were for nonviolent and nonserious offenses; they will now be supervised by county probation departments, a procedure known as postrelease community supervision (PRCS). When parole is revoked, individuals on PRCS and parolees alike (with some exceptions) will be incarcerated in county jails instead of state prisons.

With the passage of criminal justice realignment, reentry courts will continue to accept parolees under state supervision as well as locally supervised offenders and will now act as postrelease programs that divert participants at risk of re-incarceration from both state prisons and county jails, thereby saving both state and local monies.

Promising Practices in Reentry Court Programs

Reentry courts are such a recent development that research on them is limited, but research on other collaborative justice courts such as drug and mental health courts demonstrates that these programs effectively reduce recidivism. Research also shows that these courts are associated with significant savings and tend to work best for high-risk offenders.¹² California's pilot reentry courts have already identified a number of promising practices:

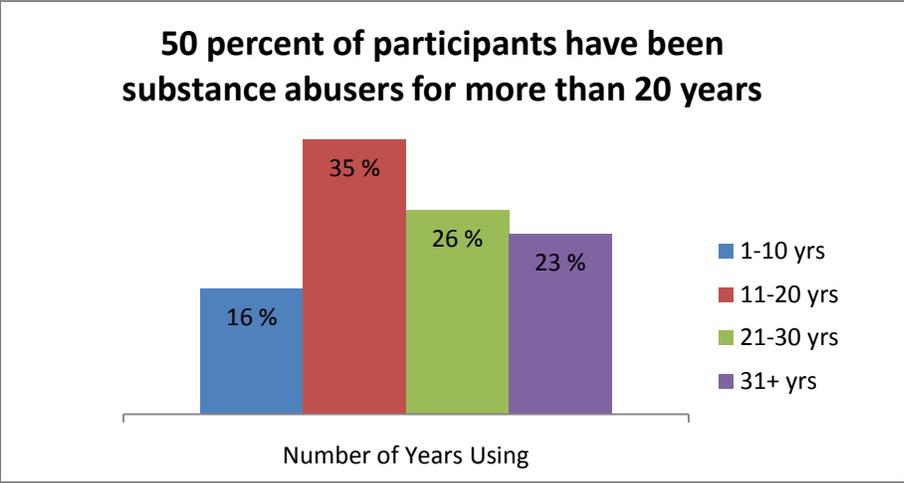
- Providing evidence-based trauma treatment for female parolees, because many women in the criminal justice system have histories of trauma.
- Ensuring a smooth transition from jail to the appropriate treatment provider, particularly for participants with mental health needs. Transporting participants directly to the treatment provider on release, and prior to or at release, gathering the participants' medical records along with any prescriptions and a small supply of any prescribed psychiatric medications to take along. Coordinating with parole outpatient clinics (POCs) and other treatment providers to avoid disruption of participants' medication schedules.
- Providing cognitive behavioral therapy and addressing each participant's criminogenic risk factors.
- Emphasizing direct interaction between the judge and the participant. Verbal praise and encouragement from the reentry court judge are important positive reinforcements that help motivate participants to engage in treatment and other services and comply with court orders.
- Maintaining consistent communication among reentry court team members so that everyone stays apprised of participants' recent activity.
- Involving program graduates as mentors for current participants.

Participants in California Reentry Courts

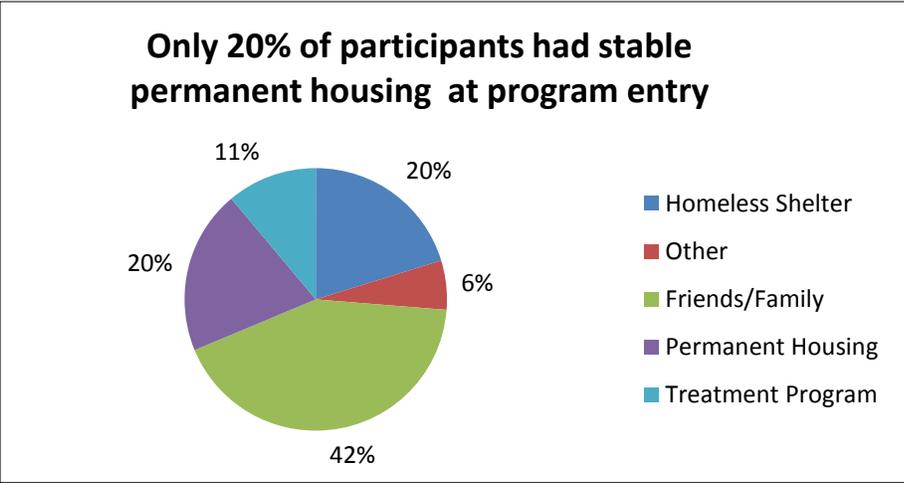
As of September 30, 2011, a total of 656 parolees had entered the six reentry court pilot programs.¹³ (All reentry court participant statistics in this section reflect data collected by the AOC from the pilot programs.) Reentry courts offer parole violators one last chance at reprieve before returning to prison, with 26 percent of participants referred to the program for having committed new felonies and 74 percent referred by a parole agent in response to a parole violation. Reentry court participants as a population were 83 percent male, with a mean age of 38, 28 percent between 46 and 71 years old, and 44 percent were African American, 29 percent White (non-Hispanic), and 22 percent Latino.

Reentry court programs are designed to focus on high-risk parolees facing many compounding challenges, such as homelessness, substance abuse, and mental health problems. According to mental health assessments and participants' self-reports, some 38 percent suffer other mental health disorders.¹⁴ Virtually all reentry court participants—99 percent—have struggled with substance abuse issues for many years (see chart).

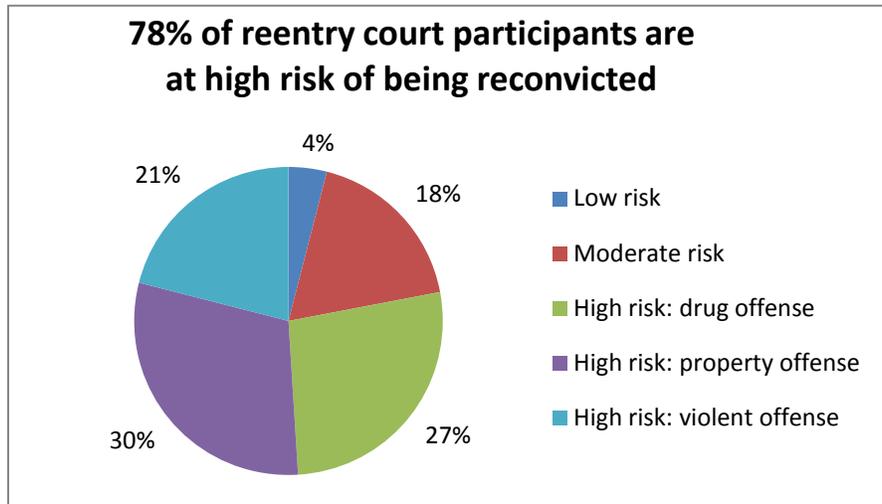
99% of reentry court participants struggle with substance abuse. 38% have mental health disorders.



The majority of reentry court participants lack stable housing when they enter the program, with 20 percent residing in homeless shelters on entry. Most also enter the program unemployed or otherwise impoverished, with 41 percent of participants relying on public aid as their primary income source and 55 percent having monthly incomes less than \$500.



Reentry court participants often have serious criminal records and a high risk of recidivism. Forty three percent of current reentry court participants have previously committed a violent or serious felony offense.¹⁵ According to the California Static Risk Assessment Tool, an actuarial tool used by CDCR to assess parolees' risk of reconviction, 78 percent of reentry court participants are at high risk for recidivating. In 2011, CDCR reported that 53 percent of the general parolee population were at high risk.¹⁶ The chart below shows the risk levels for reentry court participants and breaks down the high-risk group into more specific levels defined by high risk for drug, property and violent recidivism.¹⁷



Promising Outcomes

Although the reentry court programs are in relatively early stages of implementation, outcomes in preliminary analyses are promising. Survival analyses were used to predict the timing and likelihood of parolee returns to prison based on current data,¹⁸ indicate that approximately 23 percent of reentry court participants are likely to be returned to prison within six months of their entering the program.¹⁹ As noted earlier, all reentry court participants enter the program after having committed a parole violation. Previous research indicates that 78% of all parole violations result in revocations to prison.²⁰ Without a comparison group it is difficult to draw conclusions from these figures; however, it is encouraging to note that despite the fact that reentry court participants were in violation status upon program entry and tend to have higher risks than the general (pre-realignment) parolee population, there is evidence to suggest that their return to prison rate may be significantly lower.

The final evaluation will use a quasi-experimental model with a matched comparison group for each of the six reentry court programs to further investigate the effectiveness of these programs in reducing recidivism and revocations and identify participant subgroups that benefit most from this type of intervention. The evaluation will also include analyses of costs and savings associated with reentry court programs and will include qualitative

Data collected for the evaluation can be used to inform policy and modify and improve program practices.

data from both stakeholder and participants to provide information on program models and lessons learned. The final evaluation will be submitted to the legislature by October of 2013.

California's criminal justice system is undergoing unprecedented challenges and changes due to the current fiscal climate and public safety realignment. The results from this evaluation will be distributed widely to courts and their criminal justice partners and will help inform policy and practice. Existing reentry courts can make use of the findings to tailor their programs, and courts interested in developing similar programs to address the problem of recidivism can utilize the evaluation as a blueprint.

NOTES

1. U.S. Govt. Accountability Ofc., *Adult Drug Courts: Studies Show Courts Reduce Recidivism, but DOJ Could Enhance Future Performance Measure Revision Efforts*, Publication No. GAO-12-53 (Dec. 2011), <http://www.gao.gov/products/GAO-12-53> (as of March 8, 2012).
2. R. Grattet, J. Petersilia & J. Lin, *Parole Violations and Revocations in California* (Oct. 2008) Natl. Inst. of Justice, Washington, DC, www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf (as of March 8, 2012).
3. Cal. Dept. of Corrections & Rehab., *Monthly Report of Population as of Midnight, Sept. 30, 2011* (Oct. 2011), www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Monthly/TPOPIA/TPOPIAd1109.pdf (as of March 8, 2012).
4. Cal. Dept. of Corrections & Rehab., *2011 CDCR Adult Institutions Outcome Evaluation Report* (Nov. 2011), [www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY_0607_Recidivism_Report_\(11-23-11\).pdf](http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY_0607_Recidivism_Report_(11-23-11).pdf) (as of March 8, 2012).
5. *Ibid.*
6. Cal. Dept. of Corrections & Rehab., *Corrections: Year at a Glance* (Annual Rpt.—Fall 2011), www.cdcr.ca.gov/News/docs/2011_Annual_Report_FINAL.pdf (as of March 8, 2012).
7. Cal. Dept. of Corrections & Rehab., *supra* note 3.
8. R. Grattet et al, *supra*.
9. Cal. Dept. of Corrections & Rehab., *Prevention Parolee Failure Program: An Evaluation* (Rpt. to the Cal. Legislature—Apr. 1997).
10. Natl. Assn. of Drug Ct. Professionals, *Defining Drug Courts: The Key Components* (1997) U.S. Dept. of Justice, Ofc. of Justice Programs, Drug Ct. Programs Ofc., www.ojp.usdoj.gov/BJA/grant/DrugCourts/DefiningDC.pdf (as of March 8, 2012).
11. Sentences for certain nonviolent, nonserious, and non–sex-related felony offenses will still be served in state prison. For a list of these offenses or to learn more about public safety realignment, see the Criminal Justice Realignment Resource Center page on the California Courts website at www.courts.ca.gov/partners/890.htm (as of March 8, 2012).
12. M. Cosden, J. Ellens, J. Shnell & Y. Yamini-Diouf, “Evaluation of a mental health treatment court with assertive community treatment” (2003) 21(4) *Behavioral Sciences and the Law* 415–427; D. E. McNeil, and R.L. Binder, “Effectiveness of a mental health court in reducing criminal recidivism and violence” (2007) 164 *American Journal of Psychiatry* 1395–1403; M. Moore and A. Hiday, “Mental health court outcomes: A comparison of re-arrest and re-arrest severity between mental health court and traditional court participants” (2006) 30 *Law and Human Behavior* 659–674; D.B. Wilson, O. Mitchell & D.L. MacKenzie, “A systematic review of drug court effects on recidivism” (2006) 2 (4) *Journal of Experimental Criminology* 459–487.
13. The reentry court participant data in this section were collected from the pilot court programs by the AOC between October 2010 and September 2011. All participants in this dataset entered the reentry court programs prior to the launch of California’s public safety realignment.
14. This number is likely underestimated because of a lag between mental health assessment and data collection.
15. Serious and violent felony convictions as defined by Penal Code sections 1192.7(c) and 667.5(c); prior conviction data were received from CDCR.
16. Cal. Dept. of Corrections & Rehab., *supra* note 3.
17. For more on how risk levels are calculated, see *Development of the California Static Risk Assessment Instrument (CSRA)*, a report from the Center for Evidence-Based Corrections, University of California, Irvine, at http://ucicorrections.seweb.uci.edu/sites/ucicorrections.seweb.uci.edu/files/CSRA%20Working%20Paper_0.pdf.
18. Survival analyses are actuarial-based techniques applied by researchers to predict the timing and likelihood of an event, such as parolee returns to prison.
19. Individual-level prison return data provided by CDCR and analyzed by AOC data specialists.
20. R. Grattet et al, *supra*.